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SENATE BILL 441

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELIEVING A VETERAN OF THE UNITED STATES ARMED FORCES FROM THE REQUIREMENT TO PAY A FEE TO THE NEW MEXICO MEDICAL BOARD FOR AN INITIAL LICENSE TO PRACTICE MEDICINE IN NEW MEXICO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. ~~[NEW MATERIAL]~~ INITIAL LICENSE FEE WAIVED.--A physician who is a veteran of the United States armed forces is exempt from the payment of a license fee for the physician's initial license.

Section 2. Section 61-6-6 NMSA 1978 (being Laws 1973, Chapter 361, Section 1, as amended) is amended to read:

"61-6-6. DEFINITIONS.--As used in Chapter 61, Article 6 NMSA 1978:

A. "approved postgraduate training program" means a program approved by the ~~[accrediting]~~ accreditation council

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 [en] for graduate medical education of the American medical
2 association or by the board;

3 B. "board" means the New Mexico medical board;

4 C. "licensed physician" means a medical doctor
5 licensed under the Medical Practice Act to practice medicine in
6 New Mexico;

7 D. "licensee" means a medical doctor, physician
8 assistant, polysomnographic technologist or anesthesiologist
9 assistant licensed by the board to practice in New Mexico;

10 E. "medical college or school in good standing"
11 means a board-approved medical college or school that has as
12 high a standard as that required by the association of American
13 medical colleges and the council on medical education of the
14 American medical association;

15 F. "medical student" means a student enrolled in a
16 board-approved medical college or school in good standing;

17 G. "physician assistant" means a health
18 professional who is licensed by the board to practice as a
19 physician assistant and who provides services to patients under
20 the supervision and direction of a licensed physician;

21 H. "intern" means a first-year postgraduate student
22 upon whom a degree of doctor of medicine and surgery or
23 equivalent degree has been conferred by a medical college or
24 school in good standing;

25 I. "resident" means a graduate of a medical college

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1 or school in good standing who is in training in a board-
2 approved and accredited residency training program in a
3 hospital or facility affiliated with an approved hospital and
4 who has been appointed to the position of "resident" or
5 "fellow" for the purpose of postgraduate medical training;

6 J. "the practice of medicine" consists of:

7 (1) advertising, holding out to the public or
8 representing in any manner that one is authorized to practice
9 medicine in this state;

10 (2) offering or undertaking to administer,
11 dispense or prescribe a drug or medicine for the use of another
12 person, except as authorized pursuant to a professional or
13 occupational licensing statute set forth in Chapter 61 NMSA
14 1978;

15 (3) offering or undertaking to give or
16 administer, dispense or prescribe a drug or medicine for the
17 use of another person, except as directed by a licensed
18 physician;

19 (4) offering or undertaking to perform an
20 operation or procedure upon a person;

21 (5) offering or undertaking to diagnose,
22 correct or treat in any manner or by any means, methods,
23 devices or instrumentalities any disease, illness, pain, wound,
24 fracture, infirmity, deformity, defect or abnormal physical or
25 mental condition of a person;

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underscoring material = new
[bracketed material] = delete

1 (6) offering medical peer review, utilization
2 review or diagnostic service of any kind that directly
3 influences patient care, except as authorized pursuant to a
4 professional or occupational licensing statute set forth in
5 Chapter 61 NMSA 1978; or

6 (7) acting as the representative or agent of a
7 person in doing any of the things listed in this subsection;

8 K. "the practice of medicine across state lines"
9 means:

10 (1) the rendering of a written or otherwise
11 documented medical opinion concerning diagnosis or treatment of
12 a patient within this state by a physician located outside this
13 state as a result of transmission of individual patient data by
14 electronic, telephonic or other means from within this state to
15 the physician or the physician's agent; or

16 (2) the rendering of treatment to a patient
17 within this state by a physician located outside this state as
18 a result of transmission of individual patient data by
19 electronic, telephonic or other means from within this state to
20 the physician or the physician's agent;

21 L. "sexual contact" means touching the primary
22 genital area, groin, anus, buttocks or breast of a patient or
23 allowing a patient to touch another's primary genital area,
24 groin, anus, buttocks or breast in a manner that is commonly
25 recognized as outside the scope of acceptable medical practice;

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underscoring material = new
[bracketed material] = delete

1 M. "sexual penetration" means sexual intercourse,
2 cunnilingus, fellatio or anal intercourse, whether or not there
3 is any emission, or introducing any object into the genital or
4 anal openings of another in a manner that is commonly
5 recognized as outside the scope of acceptable medical practice;
6 [~~and~~]

7 N. "United States" means the fifty states, its
8 territories and possessions and the District of Columbia; and

9 O. "veteran" means a person who has been honorably
10 discharged from a branch of the armed forces of the United
11 States."